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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,769	03/18/2004	Steven J. King		6698

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EXAMINER
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BARTOSIK, ANTHONY N

ART UNIT	PAPER NUMBER
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3609

MAIL DATE	DELIVERY MODE
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07/11/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/803,769

Applicant(s)

KING ET AL.

Examiner

Anthony N. Bartosik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-31 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 11-18 is/are allowed.
- 6) ☒ Claim(s) 1-5, 8-10, 19-21, 25-27 and 29 is/are rejected.
- 7) ☒ Claim(s) 6-7, 22-24, 28, 30 and 31 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date October 18, 2004.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 8 is objected to because of the following informalities: When read it appears that both a first and a second portion are one unit that is then coupled to another first portion, as a result this language leads to ambiguity. Clarification of the language is desired. Preferred language may read as follows: "the elongated support includes a first portion, and a second portion the second portion being coupled to the first portion for selectively adjusting a length of the elongated support." Appropriate correction is required.
2. Claim 25 is objected to because of the following informalities: Claim 25 appears to have a grammatical error between the words "portion" and "is." When read claim 25 appears to be missing a word or words that would allow the claim to be better understood. Appropriate correction is required.

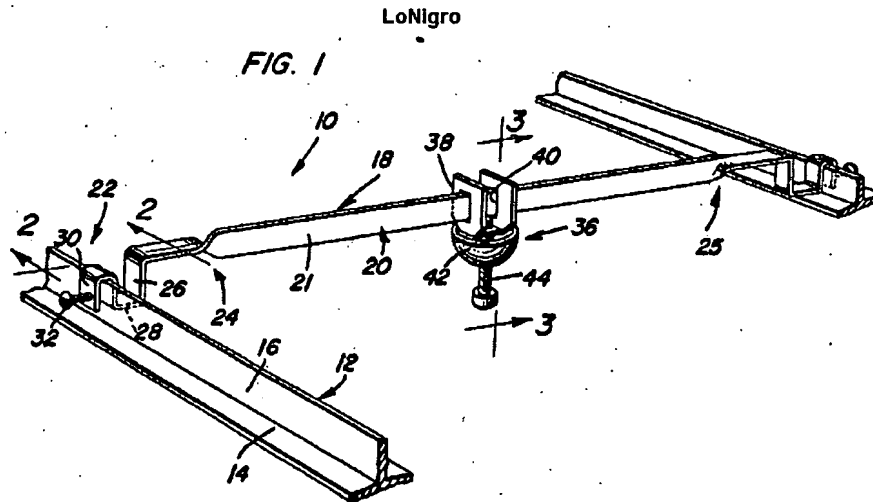
### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

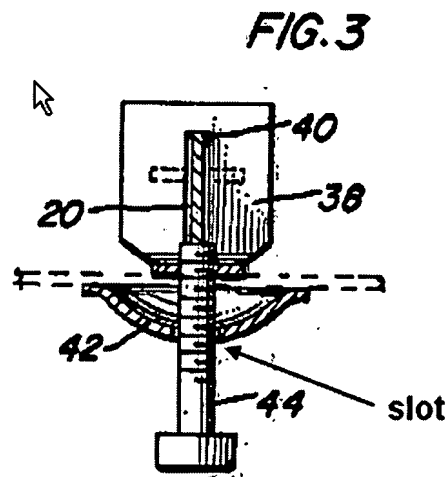
2. Claims 1, 2, 4, and 5 are rejected under 35 U.S.C. 102(b) as being anticipated by LoNigro (US 4,149,693).



3. In Re claim 1, Figure 1 of LoNigro discloses an elongated support (18) having a pair of opposing ends, each end being adapted and configured to mount to a T-bar grid; and at least one tile support (44) coupled to the elongated support (18) such that the at least one tile support (44) adjustably extends between the elongated support (18) and a ceiling tile.

4. In Re claim 2, Figure 1 of LoNigro discloses at least one tile support (44) that can be selectively fixed along a length of the elongated support.

5. In Re claim 4, Figure 3 of LoNigro discloses a collar (38) slidably mounted on the elongated support (18) for positioning the tile support at a desired location thereon, the collar (38) defining a slot (see figure below); and a spacer bar (44) passing through the slot such that a lower end of the spacer bar (44) can support a ceiling tile.



6. In Re claim 5, Figure 2 of LoNigro discloses a vertical support portion having means for varying a distance between the ceiling tile and the elongated support when mounted. Examiner notes that screw (32) of figure 2 in LoNigro is capable of being fixed to the T-bar grid at a varying distance along the vertical portion (30) of T-bar grid (14) (Fig. 2), thereby resulting in a means for varying distance between the ceiling tile and the elongated support (18).

7. **Claim 29 rejected under 35 U.S.C. 102(b) as being anticipate by Fredman (US 5,203,039).** Figure 1 and Column 2 Lines 48-52 of Fredman disclose an elongated support (10) having a variable length (13 and 14 are separate sections of 10, allowing it to vary in length), each end of the elongated support (10) having first means for engaging (31 of 10); and a pair of vertical supports (30), with second means for engaging (31 of 30) the first means (31 of 10) such that the pair of vertical supports (30) can be rotated parallel to the elongated support for compact packaging of the preassembled hanger assembly. Examiner notes the language; "each support having

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a lower portion for coupling to the ceiling and an upper portion" is an intended use recitation. Since Fredman is capable of performing the intended use, it is considered to meet the claim.

***Claim Rejections - 35 USC § 103***

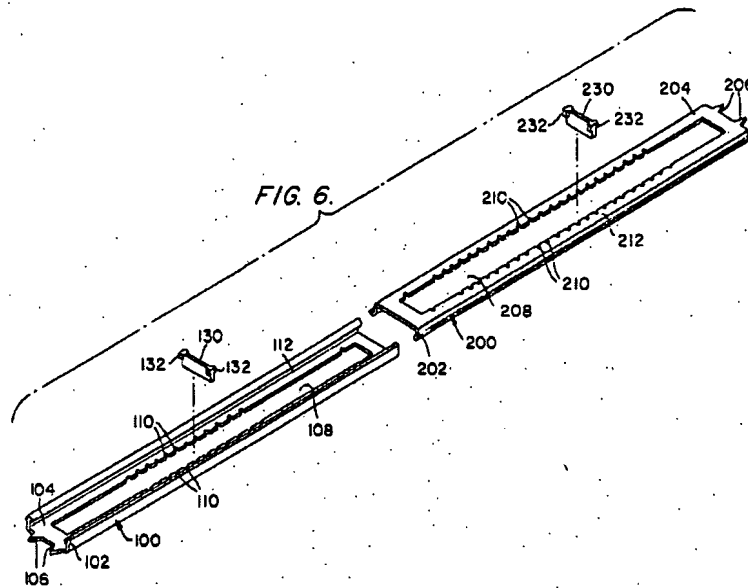
8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over**

**LoNigro (US 4,149,693).** LoNigro has been discussed above and teaches the limitations of claim 3 with the exception of two tile supports. Although LoNigro only teaches the use of one support it would be well within the skill of the art at the time of the invention to include two supports along elongated support (18) in order to mount multiple electrical boxes in a ceiling tile, which would thereby include the structural limitations of claim 3. Mere duplication of parts has no patentable significance unless a new and unexpected result is produced. MPEP 2144.04. Therefore, it would have been obvious to one skilled in the art at the time of the invention to modify LoNigro to include a second tile support.

10. **Claims 8-10, 19, 21, and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over LoNigro (US 4,149,693) in view of Grimes (US 4,494,296).**



11. In Re claim 8, LoNigro has been discussed above but fails to disclose an elongated support including a first portion and a second portion. Figures 2-6 of Grimes teach an elongated support including a first portion (100) and a second portion (200) coupled to the first portion (100) for selectively adjusting a length of the elongated support for adjusting the supports between anchoring members. It would have been obvious to one skilled in the art at the time of the invention to modify the elongated support of LoNigro with the adjustable support of Grimes in order to mount the hanger in areas of the T-bar grid that have varying distances allowing for a universal support.

12. In Re claim 9, Figure 6 of Grimes further discloses a plurality of tabs (110) formed in the first portion. Examiner notes that the functional language of claim 9 is not considered to define over Grimes. Since Grimes is capable of performing the intended use, it is considered to meet the claim.

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13. In Re claim 10, Figure 6 of Grimes further discloses indicia (210) on the second portion for determining a length of the elongated support.

14. In Re claim 19, Figure 1 of LoNigro teaches an elongated support (18); a pair of vertical supports (30), each support having a lower portion for coupling to the ceiling and an upper portion for engaging the elongated support such that a height between the elongated support (18) and the ceiling is adjustable; and at least one tile support (44) coupled to the elongated support (18) for supporting the ceiling tile. Examiner notes that screw (32) of figure 2 in LoNigro is capable of being fixed to the T-bar grid at a varying distance along the vertical portion of T-bar grid (14), thereby resulting in adjustable distance between the ceiling and the elongated support. LoNigro fails to teach the elongated support having a variable length. Figures 2-6 of Grimes teach an elongated support having a variable length for adjusting the supports between anchoring members. It would have been obvious to one skilled in the art at the time of the invention to modify the elongated support of LoNigro with the variable length support as taught by Grimes in order to manufacture a universal support bracket.

15. In Re claim 20, Figure 1 of LoNigro further discloses at least one tile support (44) that can be selectively fixed along the elongated support (18) and the at least one tile support (44) adjustably extends between the elongated support and the ceiling.

16. In Re claim 21, Figures 1-4 of LoNigro discloses a support bracket (38). Examiner notes that the function of the support bracket is not considered a structural limitation of the claim, as there is nothing in the claim to structurally distinguish it.



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17. In Re claim 25, Figures 1-4 of LoNigro further disclose a support bracket (38) that includes a body portion (40) that is sized and configured such that upon slidably fastening to the elongated support (18), the support bracket is retained to the elongated support.

18. In Re claim 26, Figure 6 of Grimes further discloses an elongated support that has first (100) and second (200) portions of same length and the first portion (100) is slidably received within the second portion (200).

19. In Re claim 27, Figure 6 of Grimes further discloses a pair of push pins (130, 230) on each end of the elongated support (100, 200).

#### ***Allowable Subject Matter***

20. Claims 11-18 are allowed.

21. Claims 6, 7, 22-24, 28, 30 and 31 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

Prior art made of record but not relied upon is considered pertinent to applicant's disclosure. Vrame (US 6,803,521), Brecker et al. (US 5,934,631), Brooke (US 4,408,428), Kendel (US 3,565,473), Mizioch (US 5,240,032), Kember (US 3,067,323), Rinderer (US 4,967,990). Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anthony N. Bartosik whose

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telephone number is 2723600. The examiner can normally be reached on M-F 7:30-5:00; Alter Fri Off E.D.T.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Batson Victor can be reached on 571-272-6987. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Victor Batson  
Supervisory Patent Examiner  
Art Unit 3600

AB  
6/2007